RECEIVED
CENTRAL FAX CENTER
MAY 2 3 2008

U.S. PATENT APPLN. S.N. 10/743,745
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

IN THE CLAIMS:

1. (currently amended) A hydrogen absorbing alloy represented by the formula ~~$Ln_{1-x}Mg_xNi_{y-a}Al_a$~~ $Ln_{1-x}Mg_xNi_{y-a-b}Al_aM_b$ (where Ln is at least one element selected from rare earth elements, M is at least one element selected from V, Nb, Ta, Cr, Mo, Mn, Fe, Co, Ga, Zn, Sn, In, Cu, Si, P and B, $0.05 \leq x < 0.20$, $2.8 \leq y \leq 3.9$, [[and]] $0.10 \leq a \leq 0.25$ and $0 \leq b$), wherein, when said at least one element selected from rare earth elements includes La, a mole ratio of La in said at least one element selected from rare earth elements is not greater than 0.5.

2. (previously presented) The hydrogen absorbing alloy according to claim 1, wherein Y is contained in the rare earth elements.

3. (previously presented) The hydrogen absorbing alloy according to claim 1, further containing Zr.

4. (previously presented) The hydrogen absorbing alloy according to claim 2, further containing Zr.

5 - 8. (canceled)

9. (previously presented) The hydrogen absorbing alloy according to claim 1, wherein an average particle diameter of the alloy is in a range of 65 ~ 200 μm.

10. (previously presented) The hydrogen absorbing alloy

according to claim 2, wherein an average particle diameter of the alloy is in a range of 65 ~ 200 μm.

11. (previously presented) The hydrogen absorbing alloy according to claim 3, wherein an average particle diameter of the alloy is in a range of 65 ~ 200 μm.

12. (previously presented) The hydrogen absorbing alloy according to claim 4, wherein an average particle diameter of the alloy is in a range of 65 ~ 200 μm.

13. (currently amended) An alkaline storage battery comprising a positive electrode, a negative electrode and an alkaline electrolyte, wherein the negative electrode comprises a hydrogen absorbing alloy represented by the formula ~~$Ln_{1-x}Mg_xNi_{y-a}Al_a$~~ $Ln_{1-x}Mg_xNi_{y-a-b}Al_aM_b$ (where Ln is at least one element selected from rare earth elements, M is at least one element selected from V, Nb, Ta, Cr, Mo, Mn, Fe, Co, Ga, Zn, Sn, In, Cu, Si, P and B, $0.05 \leq x < 0.20$, $2.8 \leq y \leq 3.9$ [[and]] $0.10 \leq a \leq 0.25$ and $0 \leq b$), wherein, when said at least one element selected from rare earth elements includes La, a mole ratio of La in said at least one element selected from rare earth elements is not greater than 0.5.

14. (previously presented) The alkaline storage battery according to claim 13, wherein Y is contained in the rare earth elements of the hydrogen absorbing alloy.

15. (previously presented) The alkaline storage battery according to claim 13, wherein the hydrogen absorbing alloy further

contains Zr.

16. (previously presented) The alkaline storage battery according to claim 14, wherein the hydrogen absorbing alloy further contains Zr.

17 - 20. (canceled)

21. (previously presented) The alkaline storage battery according to claim 13, wherein an average particle diameter of the hydrogen absorbing alloy is in a range of 65 ~ 200 μm.

22. (previously presented) The alkaline storage battery according to claim 14, wherein an average particle diameter of the hydrogen absorbing alloy is in a range of 65 ~ 200 μm.

23. (previously presented) The alkaline storage battery according to claim 15, wherein an average particle diameter of the hydrogen absorbing alloy is in a range of 65 ~ 200 μm.

24. (previously presented) The alkaline storage battery according to claim 16, wherein an average particle diameter of the hydrogen absorbing alloy is in a range of 65 ~ 200 μm.

25. (previously presented) The alkaline storage battery according to claim 13, wherein the amount of the alkaline electrolyte is 0.31 ml or less per 1g of the hydrogen absorbing alloy.